



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): François Mach

APPLICATION
NUMBER: 09/664,871

EXAMINER: Karl Stiller

FILING DATE: September 19, 2000

ART UNIT: 1617

FOR: *STATINS (HMG-COA REDUCTASE INHIBITORS) AS A NOVEL TYPE OF
IMMUNOMODULATOR, IMMUNOSUPPRESSOR AND ANTI-
INFLAMMATORY AGENT*

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Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES
UNDER 35 U.S.C. §121

Dear Sir:

This is in response to the Office Action (Paper No. 6) dated June 1, 2001 in this application. A Petition For Extension Of Time, up to and including December 1, 2001, a Petition to Revive an Unintentionally Abandoned Application, and the appropriate fees, are filed herewith.

The Examiner has required restriction of the claims in the present application to one of the following inventions:

- Group I: claims 1-32 and 35-39 (drawn to a method to achieve MHC-Class II mediated immunomodulation or anti-inflammatory effect, or regulating IFN- γ induced CIITA expression and CIITA-dependent inter-or intra-cellular events, or a method of treating, preparing, or preventing tissue or organ rejection in a mammal comprising administering at least one statin, or a functionally or structurally equivalent molecule, classified in class 514, e.g., subclasses 183, 277, 333, 406, 415, 427, 460, 510, etc.); and
- Group II: claims 33-34 (drawn to a method identifying molecules that inhibit IFN- γ induced CIITA expression, classified in class 435, subclass 41.)

In response, Applicant hereby elects without traverse the invention of Group I encompassed by claims 1-32 and 35-39.

In the written Action, the Examiner also required election for searching purposes only a single disclosed specified statin (or combination thereof) and an individual disease or condition

to be treated for prosecution on the merits. Accordingly, Applicants elect the following: the statin atorvastatin, and the condition rheumatoid arthritis, upon which claims 1-11, 13-32, and 35-37 read.

It is Applicant's understanding that this-made species election is for searching purposes only and upon a finding of allowability of the elected species, the remaining species will also be searched. It is Applicant's further understanding that under 35 U.S.C. §121, upon required election of a single species for prosecution on the merits, the claims will be restricted to said species if no generic claim is finally held allowable. Applicant further understands that upon the allowance of a generic claim, he will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141 *et seq.*

SUMMARY

If a telephone conversation with Applicant's attorney would help expedite the prosecution of this application, the Examiner is invited to call Applicants' attorney at (617) 542-6000.

Please apply any charges not covered, or any credits, to Deposit Account 50-0311 (Reference No. 23135-501).

Respectfully submitted,



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Dated: January 4, 2002

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